

Council of Europe - HELP Course launch: Interplay between the ECHR and the EU Charter of Fundamental Rights



Launch Date: 13-14 November 2023

Duration: 2 months

**Format: online tutored course with
in person launching seminar**

Open to: lawyers, judges and prosecutors from EU MS

Language: English

**Council of Europe HELP Certificates delivered for
successful participants**

Organised under EU-CoE HELP EU III Project

Participation in this training contributes to the goal set by **EU Judicial Training Strategy** in training legal professionals, on EU law, by 2024;

Launch of the HELP course on Introduction to Human Rights Protection in Europe – the Interplay between the ECHR and the EU Charter of Fundamental Rights *Concept paper and Agenda*

Date	13-14 November 2023
Location	Room 11, Palais de L'Europe (Strasbourg, France)
Language	English
Participation	Judges, lawyers and prosecutors from EU MS

Background

The **Council of Europe (CoE) Programme for Human Rights Education for Legal Professionals (HELP)**¹ supports the CoE member states in implementing European human rights standards at the national level, focusing on the European Convention on Human Rights (ECHR), other key CoE instruments, and, since 2015, EU legal content. This is done by raising the capacities of professionals to apply those instruments in their daily work.

The objective of HELP is to provide high quality education on human rights to judges, prosecutors and lawyers throughout Europe. Law enforcement authorities such as police and prison staff may also be targeted by HELP. Thanks to HELP courses, legal professionals can better protect human rights on a national level and keep up to date with the ever-evolving standards and case law of the European Court of Human Rights (ECtHR). HELP courses specifically designed for EU countries increasingly incorporate relevant EU legal content.

HELP's three pillars are:

1. A European Network of national training institutions for judges, prosecutors and lawyers in the 46 CoE member states.
2. Free online courses on human rights hosted on an e-learning.
3. A human rights training methodology for mainly legal professionals.

The HELP in the EU III Project

The joint EU-CoE project 'European Programme for **H**uman Rights **E**ducation for **L**egal **P**rofessionals in the European Union' (**HELP in the EU III**)² is funded by the EU and implemented by the CoE from 1 March 2022 to 31 August 2024. Its overall objective is to enhance EU justice professionals' capacities to effectively and coherently apply European fundamental rights standards at the national level through training, mainly referring to the Council of Europe instruments (the European Convention on Human Rights (ECHR), the (revised) European Social Charter (ESC) etc.) and EU framework (EU Charter on Fundamental Rights, EU Law). It also aims to strengthen the HELP Network in the EU, as well as the capacity of the Network members to effectively implement the HELP methodology and courses and contribute to increasing mutual trust and exchanges between EU practitioners.

¹ For more information on HELP please visit HELP's website: www.coe.int/help

² For more information about the HELP in the EU project, please go to <https://www.coe.int/en/web/help/help-in-the-eu>

The HELP course on Introduction to Human Rights Protection in Europe – the Interplay between the ECHR and the EU Charter of Fundamental Rights

EU legal and justice professionals involved in **protecting human rights** need to understand the European setting in terms of standards and applicability of the two main systems in place, namely under **the Council of Europe**, with the European Convention on Human Rights and the European Social Charter, and under **the European Union**, with the EU Charter of Fundamental Rights and the relevant EU law.

The two European systems and their mechanisms have **substantially evolved towards convergence and interplay** and **the two European Courts – the European Court of Human Rights (ECtHR) and the Court of Justice of the EU (CJEU)** are

actively engaged in a judicial dialogue and draw inspiration from each other. Moreover, the future accession of the EU to the ECHR (currently under negotiation) will come as an accomplishment to the efforts carried over the years to ensuring a thorough and effective human rights protection system in Europe.



About the course

The HELP course was developed in 2023 by the [Council of Europe Human Rights Education for Legal Professionals \(HELP\) Programme](#) under the EU-CoE HELP in the EU III Project. It aims at **assisting legal professionals in effectively applying the European human rights standards at national level**. The HELP course was developed addressing the need of training on fundamental rights issues within the scope of both the ECHR and EU Charter, focusing on the interplay between the 2 systems.

The topics are explored in a practical way by using presentations, interactive screens, knowledge tests and reflective exercises, enabling the users to apply the gained knowledge and skills.

Target audience

The course is primarily addressed at legal/justice professionals (judges, prosecutors, lawyers, court staff), but could also be extremely beneficial to bailiffs, notaries, mediators, legal interpreters and translators, court experts etc. It can also be useful for the training of policymakers, national human rights institutions, as well as civil society organisations, university students, EU/CoE staff and is also open to anybody interested on the topic.

When contextualised to the national legislation and challenges, HELP courses address the training needs identified by various Council of Europe monitoring mechanisms and support the implementation of ECtHR judgments pending execution. They also contribute to the objectives set in the EU Judicial Training Strategy.

Course outline

The course consists of an introductory module and 4 substantive modules:

0

Introductory module

- Information about the course
- Learning objectives
- Welcome videos

1

Introduction to Human Rights Protection in Europe

- Pioneers of Europe
- The Council of Europe (Conventions; Member States; key organs)
- The European Union (evolution; EU institutions, bodies, offices, agencies; EU accession to the ECHR)
- Recap
- The very different twins
- Knowledge check

2

Protection of Human Rights within the Council of Europe and the European Union

- The European Convention on Human Rights (introduction; rights and freedoms; obligations; interpretation; implementation; supervision; execution)
- The European Social Charter (introduction; characteristics; interpretation; rights; monitoring; impact)
- The Charter of Fundamental Rights of the EU (sources of interpretation; level of protection; rights and principles; scope of application; limitations; rationale of Art 51; direct (vertical and horizontal) effect; who applies it?; beneficiaries; access to CJEU)
- General points and comparative perspective
- Recap
- Knowledge check

3

Interplay

- Evolution of the relationship between the ECHR and the EU law (foundations; journey towards recognition; convergence and interplay)
- Interplay (how do national judges apply the ECHR, the ESC, the EU Charter and national bills of rights?; how does the ECtHR monitor member states applying the EU law when ECHR rights are invoked?; how can conflicting scenarios be prevented and resolved?)
- Knowledge check

4

Practical Implications

- Raising an issue of violation of rights (how can rights protected by the ECHR and/or the EU Charter be invoked before courts?)

- Jurisdiction of the ECtHR and the CJEU in respect of human rights violations
- From national to European courts: preliminary rulings and advisory opinions
- Recap
- Knowledge check

The launch

The activity is organised under the EU-CoE HELP in the EU III Project. The **launch event will be held in Strasbourg**. The travel and accommodation of participants will be covered by the Council of Europe. Its goal is to introduce participants to the HELP platform and the course page on which the group will follow the course with the assistance of a tutor. Moreover, the launch will include a series of presentations given by renowned experts, aimed at providing the participants with background information and motivate them to follow the course. The working language will be **English**.

The course preparation and implementation

Before the online launch event, participants should create an account on the [HELP e-learning platform](#)

For creating your HELP account, please follow these steps:

- go to this link and fill in the form (it takes about 2 mins):
<https://help.elearning.ext.coe.int/login/signup.php>
- once submitted, you will receive an activation link on the email you used for creating the account
- go to your email inbox and click on the link to activate your account.

VIDEO TUTORIAL

how to create a HELP account

During the launch event, the participants will be registered on their course page, prepared in advance by their tutors. Over the following weeks and based on the planning set by the tutor, the participants will go through the **online course**, complemented by the additional materials and resources prepared by the tutor.

The participants who have successfully completed the course and passed the evaluation set by the tutors will receive **certificates issued by the HELP Programme of the Council of Europe**.

Registration

Interested participants should:

- be available to **attend the launch event**
- undertake to **follow and complete the online tutored course** in the following 2 months (approx. 1-2 hours of work per week)
- **have the necessary knowledge of English** to follow the launch event and the online course
- have a laptop/tablet/smartphone available for accessing the HELP e-learning platform

Selected participants will be contacted the HELP team for arranging their travel and providing the necessary information about the event.

Further information

For any information, do not hesitate to **contact the Project team:**

Content related issues, speakers, agenda: Oana Gîrlescu – Project Coordinator (oana.girlescu@coe.int)

Organisational and administrative issues: Konstantinos Vratsidas – Project Assistant (konstantinos.vratsidas@coe.int)

Agenda

13 November 2023

9.00-9.30	Registration of participants
9.30-9.50	<p>Welcome address</p> <p><i>TBC</i></p> <p><i>Eva Pastrana, Head of the Justice and Human Rights Training Division, Council of Europe</i></p>
9.50-10.30	<p>Getting to know each other – tour de table and sharing of expectations</p> <p><i>Oana Gîrlescu, 'HELP in the EU III' Project Coordinator, HELP Programme, Council of Europe</i></p>
10.00-10.30	<p>Presentation of the HELP Programme and the 'HELP in the EU III' Project</p> <p><i>Oana Gîrlescu, 'HELP in the EU III' Project Coordinator, HELP Programme, Council of Europe</i></p>
10.30-11.00	<p>Presentation of the HELP course on Introduction to Human Rights Protection in Europe – the Interplay between the ECHR and the EU Charter of Fundamental Rights</p> <p><i>Raluca Bercea, Co-author and co-tutor of the course</i></p>
11.00-11.30	<p>Group photo</p> <p>Break</p>
11.30-12.30	<p>The Council of Europe and the European Union – intertwining to protect human rights</p> <p><i>David Milner, Head of the Human Rights Intergovernmental Co-operation Division, Council of Europe</i></p>
12.30-14.00	Lunch break
14.00-16.30	<p>Visit to the European Court of Human Rights</p> <p>The functioning of the European Court of Human Rights</p> <p><i>TBC, Lawyer at the Registry of the European Court of Human Rights</i></p> <p>The Knowledge Sharing Platform</p> <p><i>TBC, Directorate of the Jurisconsult, the European Court of Human Rights</i></p> <p>Interplay between the European Convention on Human Rights and EU law</p> <p><i>Johan Callewaert, Deputy Grand Chamber Registrar, the European Court of Human Rights</i></p>
16.30 – 17.00	Break
17.00 – 17.20	Presentation of other relevant HELP courses
17.20-17.30	Q/A session, conclusions and closure of the first day
19.30- 21.30	<p>Dinner</p> <p><i>TBC</i></p>

14 November 2023

9.00-9.50	<p>The work of the EU Commission on the EU Charter and synergies with the ECHR</p> <p><i>Larisa Antohi, Policy Assistant at the European Commission</i></p>
9.50 – 10.45	<p>EU- ECHR Interplay – a comparative perspective</p> <p><i>Deirdre O’Gara, Raluca Bercea, HELP Course Tutors</i></p>
10.45-11.00	<p>Break</p>
11.00 - 11.30	<p>The EU Fundamental Rights Information System and other resources developed by FRA</p> <p><i>Gabriel Toggenburg (online, TBC), European Union Agency for Fundamental Rights (FRA)</i></p>
11.30-12.20	<p>The implementation of the course: presentation of the dedicated page, planning, evaluation</p> <p><i>HELP course tutors: Raluca Bercea and Deirdre O’Gara</i></p>
12.20-12.30	<p>Q/A session, conclusions and closure</p>

**Agenda may be subject to change*